

House Bill 1367

By: Representatives Stephens of the 164th, Graves of the 137th, Parrish of the 156th, Parham of the 141st, and Carter of the 159th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to require the Georgia State Board of Pharmacy to establish and maintain a registry of pharmacy technicians; to provide for rules and regulations; to require pharmacists in charge to provide updated information for the registry; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by striking subsection (a) of Code Section 26-4-28, relating to the powers, duties, and authority of the Georgia State Board of Pharmacy, and inserting in its place the following:

"(a) The board shall have the power, duty, and authority for the control and regulation of the practice of pharmacy in the State of Georgia including, but not limited to, the following:

(1) The licensing by examination or by license transfer of applicants who are qualified to engage in the practice of pharmacy under the provisions of this chapter;

(2) The renewal of licenses to engage in the practice of pharmacy;

(3) The establishment and enforcement of compliance with professional standards and rules of conduct of pharmacists engaged in the practice of pharmacy;

(4) The determination and issuance of standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, and the specification and enforcement of requirements for practical training including internship;

- 1 (5) The enforcement of those provisions of this chapter relating to the conduct or
2 competence of pharmacists practicing in this state and the suspension, revocation, or
3 restriction of licenses to engage in the practice of pharmacy;
- 4 (6) The licensure and regulation of pharmacies and pharmacy interns;
- 5 (7) The regulation of other employees in the prescription or pharmacy department. The
6 board shall be required to establish and maintain a registry of pharmacy technicians in
7 this state which contains the name and home address of each pharmacy technician and
8 his or her employer and location of employment. The board shall establish a process by
9 which the pharmacist in charge of each pharmacy shall provide updated information on
10 the pharmacy technicians in the pharmacy. The board may establish and collect fees from
11 pharmacy technicians or their employers for the maintenance of the registry;
- 12 (8) The collection of professional demographic data;
- 13 (9) The right to seize any such drugs and devices found by the board to constitute an
14 imminent danger to the public health and welfare;
- 15 (10) The establishment of minimum specifications for the physical facilities, technical
16 equipment, environment, supplies, personnel, and procedures for the storage,
17 compounding, and dispensing of such drugs or devices utilized within the practice of
18 pharmacy;
- 19 (11) The establishment of minimum standards for the purity and quality of such drugs
20 utilized within the practice of pharmacy;
- 21 (12) The establishment of minimum standards for the purity and quality of such devices
22 and other materials utilized within the practice of pharmacy;
- 23 (13) The issuance and renewal of licenses of all persons engaged in the manufacture and
24 distribution of drugs;
- 25 (14) The issuance and renewal of licenses of all persons engaged in the manufacture and
26 distribution of devices utilized within the practice of pharmacy;
- 27 (15) The inspection of any licensed person at all reasonable hours for the purpose of
28 determining if any provisions of the laws governing the legal distribution of drugs or
29 devices or the practice of pharmacy are being violated. The board and its officers, agents,
30 and designees shall cooperate with all agencies charged with the enforcement of the laws
31 of the United States, of this state, and of all other states relating to drugs, devices, and the
32 practice of pharmacy;
- 33 (16) The investigation of alleged violations of this chapter or any other law in this state
34 pertaining to, or in connection with, persons or firms licensed by the board or otherwise
35 authorized by the laws of this state to manufacture, sell, distribute, dispense, or possess
36 drugs, medicines, poisons, cosmetics, or devices, as related to misbranded or counterfeit

1 drugs, or any rules and regulations promulgated by the board under this chapter; the
2 conducting of investigative interviews or full board hearings, with or without the
3 necessity of utilizing the Office of State Administrative Hearings, in respect thereto when
4 in its discretion it appears to be necessary; and the bringing of such violations to the
5 notice of the Attorney General;

6 (17) The listing at any time upon either a list under Article 3 of Chapter 13 of Title 16,
7 the 'Dangerous Drug Act,' or upon a schedule under Article 2 of Chapter 13 of Title 16,
8 the 'Georgia Controlled Substances Act,' of any drug found to be potentially dangerous
9 to public safety if dispensed without prescription;

10 (18) The expunging of the pharmacy related practice record of any pharmacist whose
11 record consists of a sole sanction resulting from alcohol impairment and whose pharmacy
12 related practice record during a five-year time period dating from the time of the sanction
13 has incurred no additional charges or infractions;

14 (19) Restricting the inspection or examination of records or access to any area licensed
15 and under the control of any registrant, which has been issued a permit by the board, to
16 members of the board, agents for the Georgia Drugs and Narcotics Agency, the United
17 States Drug Enforcement Administration, the Georgia Department of Medical Assistance,
18 or other federal agencies or agencies of this state otherwise entitled to such inspections
19 or examinations by law, subpoena, or court order. This paragraph specifically prohibits
20 inspections or examinations of board registrants or any requirement which forces board
21 registrants to allow inspection or examination, or both, of their records by representatives
22 for any nongovernment affiliated, private organization for any purpose since the access
23 of patient prescription records is restricted by this chapter and access by such private
24 organizations is unnecessary in that this access only duplicates existing record-keeping
25 and inspection requirements already addressed by the laws and regulations of the board
26 and other government organizations. This restriction shall also prohibit a private,
27 nongovernment affiliated organization from examining or copying continuing education
28 certificates maintained by individual registrants. Nothing in this paragraph shall prohibit
29 the pharmacist in charge from voluntarily allowing appropriate agencies and
30 organizations to inspect or examine the records and pharmacy area under the control of
31 the pharmacist in charge provided such inspections or examinations are for the purposes
32 of ensuring the quality of care provided to patients; and

33 (20) Serving as the sole governmental or other authority which shall have the authority
34 to approve or recognize accreditation or certification programs for specialty pharmacy
35 practice or to determine the acceptability of entities which may accredit pharmacies or
36 certify pharmacists in a specialty of pharmacy practice, and the board may require such

1 accreditation or certification as a prerequisite for specialty or advanced pharmacy
2 practice. Such accreditation and certification standards for specialties shall be set forth
3 in rules promulgated by the board with such rules to contain the required qualifications
4 or limitations. Any accreditation or certification for specialty pharmacy practice approved
5 or recognized by the board shall be deemed sufficient to meet any and all standards,
6 licensure, or requirements, or any combination thereof, otherwise set forth by any private
7 entity or other government agency to satisfy its stated goals and standards for such
8 accreditation or certification. Nothing in this paragraph shall prohibit private entities,
9 government agencies, professional organizations, or educational institutions from
10 submitting accreditation or certification programs for the review and potential approval
11 or recognition by the board. Accreditation and certification for specialty pharmacy
12 practice under this paragraph shall be subject to the following conditions:

13 (A) Applications shall be submitted as set forth in rules promulgated or approved by
14 the board for accreditation or certification;

15 (B) Only a pharmacist registered by this state and maintaining an active license in good
16 standing is eligible for certification in a specialty pharmacy practice by the board;

17 (C) Only a pharmacy registered by this state and maintaining an active license in good
18 standing is eligible for accreditation for specialty pharmacy practice by the board;

19 (D) Any board approved or recognized accreditation for a specialty pharmacy practice
20 of a pharmacy is to be deemed sufficient and shall satisfy any standards or
21 qualifications required for payment of services rendered as set forth by any insurance
22 company, carrier, or similar third-party payor plan in any policy or contract issued,
23 issued for delivery, delivered, or renewed on or after July 1, 1999;

24 (E) Any board approved or recognized specialty certification issued to a pharmacist is
25 deemed sufficient and shall satisfy any standards or qualifications required for payment
26 of services rendered as set forth by any insurance company, carrier, or similar
27 third-party payor plan in any policy or contract issued, issued for delivery, delivered,
28 or renewed on or after July 1, 1999; and

29 (F) The board may deny, revoke, limit, suspend, probate, or fail to renew the
30 accreditation or specialty certification of a pharmacy, pharmacist, or both for cause as
31 set forth in Code Section 26-4-60 or for a violation of Chapter 13 of Title 16 or if the
32 board determines that a pharmacy, pharmacist, or both, no longer meet the accreditation
33 or certification requirements of the board. Before such action, the board shall serve
34 upon the pharmacist in charge of a pharmacy or pharmacist an order to show cause why
35 accreditation or certification should not be denied, revoked, limited, suspended, or
36 probated or why the renewal should not be refused. The order to show cause shall

1 contain a statement for the basis therefor and shall call upon the pharmacist in charge
2 of a pharmacy, the pharmacist, or both, to appear before the board at a time and place
3 not more than 60 days after the date of the service of the order."

4 SECTION 2.

5 Said chapter is further amended by is amended by striking subsection (d) of Code Section
6 26-4-82, relating to duties requiring professional judgment and responsibilities of a licensed
7 pharmacist, and inserting in its place the following:

8 "(d) The board of pharmacy shall promulgate rules and regulations regarding the activities
9 and utilization of pharmacy technicians in pharmacies, including the establishment of a
10 registry as required in paragraph (7) of subsection (a) of Code Section 26-4-28; provided,
11 however, that the pharmacist to pharmacy technician ratio shall not exceed one pharmacist
12 providing direct supervision of three pharmacy technicians. The board may consider and
13 approve an application to increase the ratio in a pharmacy located in a licensed hospital.
14 Such application must be made in writing and must be submitted to the board by the
15 pharmacist in charge of a specific hospital pharmacy in this state. One of the three
16 technicians must:

- 17 (1) Have successfully passed a certification program approved by the board of pharmacy;
18 (2) Have successfully passed an employer's training and assessment program which has
19 been approved by the board of pharmacy; or
20 (3) Have been certified by either the Pharmacy Technician Certification Board or any
21 other nationally recognized certifying body approved by the board of pharmacy."

22 SECTION 3.

23 Said chapter is further amended by is amended by striking subsection (d) of Code Section
24 26-4-110, relating to pharmacy licenses, and inserting in its place the following:

25 "(d) Each pharmacy shall have a pharmacist in charge. Whenever an applicable rule
26 requires or prohibits action by a pharmacy, responsibility shall be that of the owner and the
27 pharmacist in charge of the pharmacy, whether the owner is a sole proprietor, partnership,
28 association, corporation, or otherwise. The pharmacist in charge shall be responsible for
29 providing updated information to the board in accordance with rules and regulations
30 regarding the pharmacy technicians employed in the pharmacy for purposes of maintaining
31 the registry of pharmacy technicians established by the board pursuant to paragraph (7) of
32 subsection (a) of Code Section 26-4-28."

1 **SECTION 4.**

2 All laws and parts of laws in conflict with this Act are repealed.